

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:18CR91-1
	§	
FABIAN SALINAS-JACINTO	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 20, 2018, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Kevin McClendon.

Fabian Salinas-Jacinto was sentenced on March 23, 2011, before The Honorable Hayden W. Head, Jr., of the Southern District of Texas after pleading guilty to the offense of Illegal Re-Entry, a Class C felony. This offense carried a statutory maximum imprisonment term of 20 years. The guideline imprisonment range, based on a total offense level of 21 and a criminal history category of V, was 70 to 87 months. Fabian Salinas-Jacinto was subsequently sentenced to 60 months of imprisonment followed by a 3-year term of supervised release subject to the standard conditions of release, plus special conditions to include deportation; prohibition against illegal reentry; if he reenters, report to the nearest U.S. Probation Office; and prohibition against using an alias name and date of birth. On April 24, 2015, Fabian Salinas-Jacinto completed his period of imprisonment and began service of the supervision term. On February 2, 2018, jurisdiction of this case was transferred to the Eastern District of Texas, and the case was assigned to The Honorable

Marcia A. Crone.

On August 11, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 4, Sealed]. The Petition asserted that Defendant violated two (2) conditions of supervision, as follows: (1) Law Violation – Illegal Re-entry; and (2) Special Condition – Illegal Re-entry and Failure to Report Immediately.

The Petition alleges that Defendant committed the following acts: (1) on or about June 17, 2017, in Denton County, in the Northern District of Texas, Fabian Salinas-Jacinto, an alien who had previously been denied admission, excluded, deported, and removed, knowingly and unlawfully was present in the United States having been found in Lewisville, Texas, said defendant not having obtained the consent to reapply for admission in the United States from the Attorney General of the United States and Secretary of Homeland Security, the successor, pursuant to Title 6, United States Code, Sections 202(3), 202(4), and 557, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b). Details: On June 17, 2017, at approximately 3:49 p.m., officers of the Lewisville Police Department were dispatched to 100 S. Interstate 35E in Lewisville, Texas, in reference to a major traffic accident. Upon arrival, multiple males were observed running from the scene and were ultimately detained in the nearby neighborhoods. Upon questioning one of the individuals identified as Fabian Salinas, officers noticed a light gray baby sock in the grass nearby where Salinas was detained. Upon searching the baby sock, officers discovered four small baggies containing a clear crystal like substance believed to be methamphetamine and six small baggies containing a white powder like substance believed to be cocaine. All the baggies were field tested and tested positive for methamphetamine and cocaine respectively. The case remains pending prosecutorial review of the Denton County District Attorney's Office. Salinas-Jacinto remains in the Denton County Jail pending a \$47,500 bond.

Immigration officials later encountered and interviewed Mr. Salinas at the Denton County Jail. The defendant was found to be an undocumented alien with no documents allowing him to be in or remain in the United States. Records further reflect that Mr. Fabian Salinas-Jacinto was deported to Mexico on May 6, 2015, via Port of Entry at Brownsville, Texas; and (2) on or about June 17, 2017, Fabian Salinas-Jacinto failed to report to the nearest U.S. Probation Office immediately upon his return from Mexico. The defendant illegally re-entered the United States as evidenced by his apprehension in Lewisville, Texas, by officers of the Lewisville Police Department. Immigration records reflect that the defendant was removed from the United States to Mexico on May 6, 2015.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations one (1) and two (2) of the Petition. Having considered the Petition and the plea of true to allegations one (1) and two (2) of the Petition, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this Court.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the Court recommends the Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of 18 months, to be served consecutively to any term of imprisonment imposed in Cause No. 4:17CR170, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Bureau of Prisons facility in Fort Worth, Texas, if appropriate. **SIGNED this 26th day of June, 2018.**